



DEPARTMENT OF COMMERCE

International Trade Administration

[A-489-501]

Circular Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019-2020

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value. Interested parties are invited to comment on these preliminary results.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Magd Zalok, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4162.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on circular welded carbon steel standard pipe and tube products (welded pipe and tube) from Turkey. The period of review (POR) is May 1, 2019, through April 30, 2020. Commerce published the notice of initiation of this administrative review on July 10, 2020.¹ The preliminary results are listed below in the section titled “Preliminary Results of Review.”

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 41540 (July 10, 2020) (*Initiation Notice*).

This review covers 20 companies. The sole mandatory respondent in this administrative review is Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (Borusan Mannesmann) and Borusan Istikbal Ticaret T.A.S. (Istikbal) (collectively, Borusan).² On March 25, 2021, we extended the deadline for the preliminary results by 120 days to July 30, 2021.³ For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.⁴ A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

Scope of the Order

The merchandise covered by the order is circular welded carbon steel standard pipe and tube products. For a complete description of the scope of the order, see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

Preliminary Determination of No Shipments

² See Memorandum, "Administrative Review of the Antidumping Duty Order on Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Respondent Selection," dated September 22, 2020.

³ See Memorandum, "2019-2020 Antidumping Duty Administrative Review of Circular Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated March 25, 2021.

⁴ See Memorandum, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Circular Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2019-2020" dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Between June 3, and August 14, 2021, 14 companies timely submitted letters to Commerce certifying that they had no sales, shipments, or entries of the subject merchandise to the United States during the POR.⁵

With respect to Istikbal, one of the companies that certified no shipment during the POR, we continue to find Istikbal to be part of the single entity, Borusan, and we find no record evidence that warrants altering this treatment. Therefore, because we find that Borusan had shipments during this POR, we have not made a preliminary determination of no shipments with respect to Istikbal.

With respect to the remaining 13 companies that certified no shipment, U.S. Customs and Border Protection (CBP) did not have any information to contradict these claims of no shipment during the POR.⁶ Therefore, we preliminarily determine that the companies listed in Appendix II did not have shipments of subject merchandise during the POR. Consistent with our practice,⁷ Commerce finds that it is not appropriate to rescind the review with respect to these 13 companies but, rather, to complete the review and issue appropriate instructions to CBP based on the final results of this review.

Rates for Non-Examined Companies

⁵ See Toscelik's Letter, "Circular Welded Carbon Steel Pipe from Turkey; Toscelik No Shipments Letter," dated June 3, 2020, *see also* Yucel's Letter, "Circular Welded Carbon Steel Pipe from Turkey; Yucel No Shipments Letter," dated June 3, 2020; Yucel's Letter, "Circular Welded Carbon Steel Pipe from Turkey; Comments Regarding No-Shipment Letters," dated September 22, 2020; Cinar Boru Profil Sanayi ve Ticaret Anonim Sirketi's Letter, "Circular Welded Carbon Steel Pipes and Tubes from Turkey (A-489-501)," dated June 19, 2020; Erbosan Erciya Boru Sanayi ve Ticaret A.S.'s Letter, "No Shipment Certification of Erbosan Erciyas Boru Sanayi ve Ticaret A.S. ("ERBOSAN") in the 2019-2020 Administrative Review of the Antidumping Duty Order Involving Certain Welded Carbon Steel Standard Pipe from Turkey," dated July 9, 2020; Borusan's Letter, "Circular Welded Carbon Steel Pipes and Tubes from Turkey, Case No. A-489-501: No Shipments Letter," August 14, 2020

⁶ See Preliminary Decision Memorandum; *see also* Memorandum, "Welded Carbon Steel Standard Pipe and Tube Products from Turkey: U.S. Customs and Border Protection Information for 2019-2020 Review Period," dated August 12, 2020.

⁷ See, e.g., *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipment*; 2017-2018, 84 FR 34863 (July 19, 2019), and accompanying Preliminary Decision Memorandum at 4; *see also Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65694-95 (October 24, 2011) and the "Assessment Rates" section, below, and *Certain Frozen Warmwater Shrimp from Thailand: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments*; 2012-2013, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review*; 2012-2013, 79 FR 51306, 51307 (August 28, 2014).

The statute and Commerce’s regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely on the basis of facts available.

Five companies, Borusan Holding, Borusan Mannesmann Yatirim Holding (Borusan Yatirim), Kale Baglann Teknolojileri San. ve Tic. A.S. (Kale Baglann), Kale Baglanti Teknolojileri San. ve Tic. A.S. (Kale Baglanti), and Noksel Celik Boru Sanayi A.S. (Noksel Celik) remain subject to this administrative review because none of these five companies: (1) was selected as a mandatory respondent;⁸ (2) was the subject of a withdrawal of request for review; (3) requested to participate as a voluntary respondent; or (4) submitted a claim of no shipments. As such, these five companies remain as unexamined respondents.

Preliminary Results of Review

As a result of this review, we calculated a weighted-average dumping margin of 26.22 percent for Borusan for the period May 1, 2019, through April 30, 2020. We assigned 26.22 percent, the weighted-average dumping margin of the mandatory respondent Borusan to the five non-selected companies in these preliminary results, as referenced below.

Exporter/Producer	Estimated weighted-average dumping margin (Percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S./Borusan Istikbal Ticaret T.A.S	26.22

⁸ See Respondent Selection Memorandum.

Review-Specific Average Rate Applicable to the Following Companies:⁹

Borusan Holding	26.22
Borusan Mannesmann Yatirim Holding	26.22
Kale Baglanti Teknolojileri San. ve Tic. A.S	26.22
Kale Baglann Teknolojileri San. Ve Tic. A.S.	26.22
Noksel Celik Boru Sanayi A.S	26.22

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.¹⁰ The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.¹¹

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Pursuant to 19 CFR 351.212(b)(1), where an examined respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, we will calculate an importer-specific *ad valorem* duty assessment rate based on the ratio of the total amount of dumping calculated for the U.S. sales for a given importer to the total entered value of those sales. Where a mandatory respondent did not report entered value, we calculate the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19

⁹ This rate is based on the rate calculated for Borusan.

¹⁰ 19 CFR 351.212(b)(1).

¹¹ See section 751(a)(2)(C) of the Act.

CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies that were not selected for individual examination, we will instruct CBP to assess antidumping duties at an *ad valorem* rate equal to each company's weighted-average dumping margin determined in the final results of this review.

For entries of subject merchandise during the POR produced by Borusan for which it did not know that its merchandise was destined for the United States and for all entries attributed to companies that we find had no shipments during the POR, we will instruct CBP to liquidate such unreviewed entries pursuant to the reseller policy,¹² *i.e.*, the assessment rate for such entries will be equal to the all-others rate established in the investigation (*i.e.*, 14.74 percent *ad valorem*),¹³ if there is no rate for the intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be equal to each company's weighted-average dumping margin established in the final results of this review, (except if the *ad valorem* rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero); (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the underlying investigation, but the producer is, then the cash deposit rate will be the rate established for the

¹² See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR23954 (May 6, 2003).

¹³ See *Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products from Turkey*, 51 FR 17784 (May 15, 1986).

completed segment for the most recent POR for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 14.74 percent, the all-others rate established in the underlying investigation.¹⁴

These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.¹⁵ Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the time limit for filing case briefs.¹⁶ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.¹⁷ Executive summaries should be limited to five pages total, including footnotes.¹⁸ Case and rebuttal briefs should be filed using ACCESS and must be served on interested parties.¹⁹ Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.²⁰

Pursuant to 19 CFR 351.310(c), any interested party who wishes to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing

¹⁴ *Id.*

¹⁵ See 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 (for general filing requirements).

¹⁶ See 19 CFR 351.309(d)(1).

¹⁷ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁸ *Id.*

¹⁹ See 19 CFR 351.303.

²⁰ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

is made, Commerce intends to hold the hearing at a time and date to be determined.²¹ Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

An electronically-filed request for a hearing must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.²²

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 30, 2021.

Christian Marsh,
Acting Assistant Secretary
for Enforcement and Compliance.

²¹ See 19 CFR 351.310(c).

²² See 19 CFR 351.310(c); *see also* 19 CFR 351.303(b)(1).

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Determination of No Shipments
- V. Companies Not Selected for Individual Examination
- VI. Discussion of the Methodology
 - A. Comparison of Normal Value
 - B. Level of Trade
 - C. Affiliated Party and Arm's-Length Test
 - D. Cost of Production Analysis
- VII. Currency Conversion
- VIII. Recommendation

Appendix II

List of Companies With No Shipments During the Period of Review

1. Toscelik Profil ve Sac Endustrisi A.S.
2. Tosyali Dis Ticaret A.S.
3. Toscelik Metal Ticaret A.S.
4. Cayirova Boru Sanayi ve Ticaret A.S.
5. Yucel Boru ve Profil Endustrisi A.S.
6. Yucelboru Ihracat ve Pazarlama A.S.
7. Cinar Boru Profil San Ve Tic. AS
8. Erbosan Erciyas Boru Sanayi ve Ticaret A.S.
9. Borusan Birlesik Boru Fabrikalari San ve Tic
10. Borusan Gemlik Boru Tesisleri A.S.
11. Borusan Ihracat Ithalat ve Dagitim A.S.
12. Tubeco Pipe and Steel Corporation
13. Borusan Ithicat ve Dagitim A.S.

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